

092104

ATTORNEY'S DOCKET NUMBER

FORM PTO-1390 (Modified)  
(REV. 07-2004)

541 U.S. TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

**512-68 PCT/US**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/508839

INTERNATIONAL APPLICATION NO.  
PCT/US03/14291

**INTERNATIONAL FILING DATE**  
**06 May 2003**

PRIORITY DATE CLAIMED  
06 May 2002

**TITLE OF INVENTION**

## Methods of Simultaneously Treating Mucositis and Fungal Infection

APPLICANT(S) FOR DO/EO/US

Robert A. ASHLEY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☒ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EL561492815US
23. ☐ Other items or information:

**EXPRESS MAIL CERTIFICATE**

Date: 09/21/04 Label No. EL561492815US

I hereby certify that on the date indicated above, I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 by "EXPRESS MAIL," Post Office to Addressee Service.

Cassandra Lems

Name (Print) \_\_\_\_\_

Signature \_\_\_\_\_

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PCTUS1/REV04

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">107508839</div>		INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/US03/14291</div>		ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">512-68 PCT/US</div>	
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24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1080.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$920.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$770.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$730.00
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492(e)).	<input type="checkbox"/> 20 <input type="checkbox"/> 30	\$100.00
		\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	44 - 20 =	24	x \$18.00	\$432.00
Independent claims	1 - 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>				\$290.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$822.00</b>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$411.00
<b>SUBTOTAL =</b>				<b>\$411.00</b>
Processing fee of \$130.00 for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$411.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>				\$40.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$451.00</b>
				Amount to be: refunded \$
				charged \$

  

a. ☒ A check in the amount of \$451.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2461

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

  

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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 Syosset, NY 11791

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 Facsimile: 516-822-3582

SIGNATURE  
 Ronald J. Baron  
 NAME  
 29,281  
 REGISTRATION NUMBER  
 September 21, 2004  
 DATE